

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**HOWARD JONES,
ADC #76111**

PLAINTIFF

V.

5:12CV00107 JMM/BD

**AMY WEST and
JUDITH MARIE SAVOY**

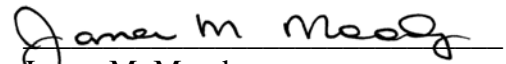
DEFENDANTS

ORDER

Plaintiff asks the Court to reconsider its Order dismissing the case for failure to pay the filing fee. Plaintiff explains that the claim he is making in this case originates from a previous case which was dismissed by United States District Judge D. P. Marshall on June 21, 2011, Case No. 5:10CV208 DPM. Plaintiff appealed that case to the Eighth Circuit which upheld Judge Marshall's dismissal. The Eighth Circuit, however, found that Plaintiff's third grievance (Grievance No. 10-00231) should have been dismissed without prejudice. Plaintiff filed the instant suit to litigate this "third grievance." Plaintiff argues that because this is not a new issue, he should not have to pay a new filing fee of \$350.

Plaintiff misunderstands the Court's policy regarding filing fees. Local Rule 4.2 states "Parties instituting any civil action, suit, or proceedings, whether by original action, removal or otherwise, shall pay to the Clerk the filing fee as required by the Judicial Conference of the United States." Rules of the U.S. Dist. Ct. for the Eastern and Western Districts of Ark. Plaintiff had the option to file a new complaint regarding Grievance No. 10-00231. When Plaintiff exercised this option, he was required to pay the \$350 filing fee. After notice and additional time was given to the Plaintiff to file the fee and Plaintiff refused, Plaintiff's case was dismissed. For this reason, Plaintiff's Motion for Reconsideration (Docket #9) is DENIED.

IT IS SO ORDERED this 8th day of June, 2012.


James M. Moody
United States District Judge